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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,722	01/05/2004	Bobby Hu	2186-00500 DVF	2253
23505	7590	09/25/2006	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/751,722

Applicant(s)

HU, BOBBY

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-10 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

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**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 10, 2006 has been entered.

***Claim Rejections - 35 USC § 102***

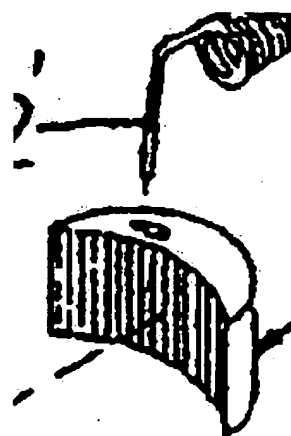
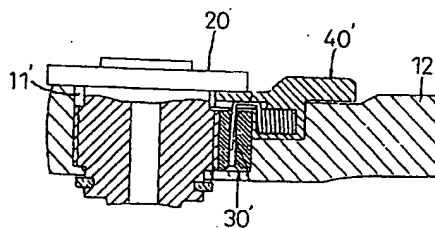
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 7-10, 13, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted Prior Art (AAPA).

AAPA, e.g., Figs. 10 and 11 discloses all the limitations of claims 1 and 9, i.e., a handle; a head extended from the handle; a cavity disposed in a web between the handle and the head; a compartment disposed in the web having one end communicated with the pawl and a second end communicated with outside; a drive member (20') rotatably mounted in the head, with the drive member including a plurality of teeth formed on an outer periphery thereof; a sliding pawl (30') including a first side with a plurality of ratchet teeth for releasably engaging with the teeth of the



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drive member, with the sliding pawl further including a second side with a recess (accommodating 442') the recess being defined by an elliptical wall having first and second portions (facing the sides of the tool); a rotatable switch member (40') including a turn-piece for manual operation and an actuating plate extended from the turn-piece, the switch member being switchable between two positions for changing ratcheting direction of the drive member, with the actuating plate of the switch member including a first receptacle that faces the recess of the pawl; a biasing means (44') engaged between the receptacle in the switch member and the recess in the pawl, operable to urge the pawl into engagement with the drive member by alternatively engaging the first and second portions of the wall.

Regarding claims 2, 5, 7-10, 13, and 15-18, AAPA meets the limitations, i.e., the biasing means including an elongated member (442') having a first end engaged with the recess in the pawl and a second end engaged with the receptacle (either thru the coiled section or directly right at the first end of the receptacle) and an elastic member (coiled section); and the pawl having a curved second side; the pawl having a third wall portion intermediate the other portions (i.e., porting facing the drive member or the portion facing the handle).

#### ***Claim Rejections - 35 USC § 103***

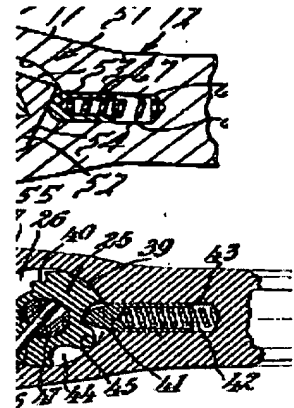
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of either Rozmus (3,490,317) or Kress (1,957,462).

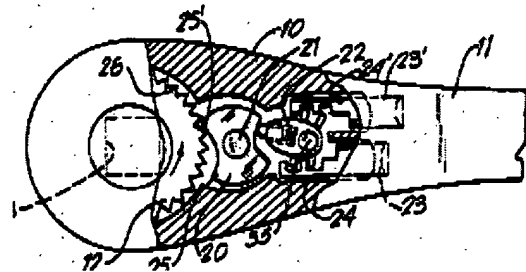
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AAPA meets all the limitations of the above claims, as indicated above, except for the pawl actuating arrangement to include an elastic element to be partially disposed within the elongated member. Rozmus and Kress each, teaches spring-loaded plungers in which the peg or the plunger has a receptacle accommodating the spring, for actuating a pawl. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of AAPA with the spring loaded plunger as taught by either Rozmus or Kress for ease of assembly.



6. Claims 1, 2, 5, 7-10, 13, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Deibert (4,336,728).

Deibert meets all the limitations of the above claims 1 and 9, as indicated in the previous office action, except for a sliding pawl, a modification considered obvious to one of ordinary skill in the art, in enhancing the operation, to save manufacturing cost and/or for ease of assembly.



7. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deibert (4,336,728) as applied to claims 1 and 9 and further in view of either Rozmus (3,490,317) or Kress (1,957,462).

Deibert meets all the limitations of the above claims, as applied to claims 1 and 9, except for the elastic element to be partially disposed within the elongated member, modification obvious in view of Rozmus and Kress as indicated in previous office action and above.

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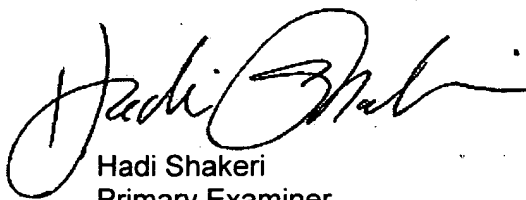
***Response to Arguments***

8. Applicant's arguments filed August 10, 2006 have been fully considered but they are not persuasive. The argument that AAPA fails to indicate a recess defined by a wall is incorrect. An elliptical wall defines the recess in AAPA and in order for the biasing means to actuate the pawl it would have to act on a portion of the wall in the same direction of actuation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri  
Primary Examiner  
Art Unit 3723  
September 16, 2006